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BARNES & THORNBURG, LLP P.O. BOX 2786 CHICAGO, IL 60690-2786			LEZAK, ARRIENNE M	
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2143

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**MAR 21 2006**

**Technology Center 2100**

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/707,015  
Filing Date: November 06, 2000  
Appellant(s): ELBERSE ET AL.

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For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 15 December 2005 appealing from the Office action mailed 8 June 2005.

**1. *Real Party in Interest***

A statement identifying the real party in interest is contained within the brief.

**2. *Related Appeals and Interferences***

A statement indicating Appellant is unaware of any related appeals or interferences is contained within the brief.

**3. *Status of Claims***

The statement of the status of the claims contained within the brief is correct.

**4. *Statement of Amendments After Final***

The Appellant's statement of the status of amendments after final rejection contained within the brief is correct.

**5. *Summary of Invention***

The summary of the invention contained within the brief is correct.

**6. *Issues – Grounds of Rejection to Be Reviewed on Appeal***

The Appellant's statement of the issues within the brief is correct.

**7. Grounds of Rejection**

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the Appellant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the Appellant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 10 and 12-20 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent US 6,466,966 B1 to Kirsch.

4. Regarding Claims 10, 12-15, 17 & 18, Kirsch discloses a method, system, apparatus and computer program for using a web-browser to pass information from a first web-entity a second web-entity, said web-browser being separate from said first and second web-entities and said first web-entity having no information about any of the second web-entities, (Figs. 5 & 6; Col. 13, lines 6-67; Col. 14, lines 1-8; and Claims 1-56), said method comprising the steps of:

- receiving a pre-specified address of a redirection server, together with additional information, from the first web-entity at the web-browser, (Col. 13, lines 6-21);

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- forwarding an address of the second web-entity to the redirection server from the web-browser such that the redirection server redirects the web-browser to the second web-entity, (Col. 13, lines 21-34); and
- passing the additional information from the web-browser to the second web-entity, (Col. 13, lines 35-43).

Therefore, this reference may reasonably be read to teach or describe every element or claim limitation of Claims 10, 12, 15 and 18.

5. Regarding Claims 13, 14 and 17, Kirsch further discloses a communication network web-based information system, (per pending Claim 13), with at least one redirection server, (per pending Claim 14), wherein a web-entity is a web-server arranged to redirect the web-browser, (per pending Claim 17), (Figs. 5 & 6; Col. 13, lines 6-67; Col. 14, lines 1-8; and Claims 1-56). Therefore, this reference may reasonably be read to teach or describe every element or claim limitation of Claims 13, 14 and 17.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-3, 5-9, 11, 16, 19 & 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent US 6,466,966 B1 to Kirsch in view of US Patent 6,070,191 to Narendran.

8. Regarding Newly Amended Claim 1, Kirsch is relied upon for those teachings disclosed herein above. As noted above, Kirsch discloses a method, system, apparatus and computer program for using a web-browser to pass information from a first web-entity a second web-entity, said web-browser being separate from said first and second web-entities and said first web-entity having no information about any of the second web-entities, (Figs. 5 & 6; Col. 13, lines 6-67; Col. 14, lines 1-8; and Claims 1-56), said method comprising the steps of:

- receiving a pre-specified address of a redirection server, together with additional information, from the first web-entity at the web-browser, (Col. 13, lines 6-21);
- forwarding an address of the second web-entity to the redirection server from the web-browser such that the redirection server redirects the web-browser to the second web-entity, (Col. 13, lines 21-34); and
- passing the additional information from the web-browser to the second web-entity, (Col. 13, lines 35-43).

9. Though Kirsch does teach the passing of information from a first web-entity to a second web-entity, Kirsch does not specifically teach the passing of information from one of a plurality of first web-entities to a second web-entity. Narendran discloses the passing of information from a first web-entity to a plurality of second web-entities, (Abstract; Fig. 1; and Claims 25-43).

10. To incorporate the ability to pass information from one of a plurality of first web-entities to a second web-entity into the Kirsch invention would have been obvious to one

of ordinary skill in the art at the time of invention by Appellant, as noted within the very nature of a redirection server(s). In particular, the ability to redirect information using a server allows one to forward information, as needed, to a resource capable of performing a given operation on said information. It would be obvious, (in light of the ability to redirect one set of information, as noted within Kirsch), to redirect numerous sets of information between numerous servers as user needs require.

11. Examiner further notes that the Narendran invention specifies the redirection of information to document servers, however, Examiner believes the incorporation of other databases maintaining telephone and television program information would also have been obvious in light of the teaching of a document database generally. In other words, the nature of the database is non-determinative of Appellant's invention and thus the substitution of Appellant specified database information into an invention disclosing a database property is obvious and thus, not novel. Therefore, Newly Amended Claim 1 is considered unpatentable over the combined teachings of Kirsch in view of Narendran.

12. Regarding Newly Amended Claim 2 and Original Claim 3, Kirsch and Narendran are relied upon for those teachings disclosed herein above. Kirsch further discloses a communication network web-based information system, (per pending Claim 2); wherein a web-entity is a web-server, (information receiver), arranged to redirect the web-browser, (Figs. 5 & 6; Col. 13, lines 6-67; Col. 14, lines 1-8; and Claims 1-56).

Therefore, Newly Amended Claim 2 and Original Claim 3 are unpatentable over the combined teachings of Kirsch in view of Narendran.

13. Regarding Claims 5-7, 9 & 11, Kirsch and Narendran are relied upon for those teachings disclosed herein above. Kirsch further discloses a method wherein additional information and the address of the second web-entity is forwarded to the redirection server, (per pending Claim 5); wherein additional information comprises a telephone number and the second web-entity is a node in a telecommunications network, (per pending Claims 6 and 11); wherein the additional information comprises television program information and the second web-entity is a video recorder, (per pending Claim 7); and wherein said additional information comprises instructions for an action to be performed at the second web-entity, (per pending Claim 9), (Figs. 5 & 6; Col. 13, lines 6-67; Col. 14, lines 1-8; and Claims 1-56). Therefore, Claims 5-7, 9 & 11 are unpatentable over the combined teachings of Kirsch in view of Narendran.

14. As noted herein above, Examiner finds the use of particular-type database information, such as but not limited to: telephone number lists, television program information, and any and all instruction for performance of further actions, to be obvious in light Kirsch. Examiner further finds that the same argument may be made concerning network type, as applied to Appellant's invention. In other words, the use of a telecommunications network would have been obvious in light of the communications network disclosed in Kirsch. Further, Kirsch discloses the redirection of data generally, which data encompasses those types specified by Appellant. Moreover, Examiner notes that "additional information" could be still considered to be any data, (Col. 7, lines 51-55). Therefore, Claims 5-7, 9 & 11 are found to be unpatentable over the combined teachings of Kirsch in view of Narendran.



15. Regarding Claims 8 & 16, Kirsch and Narendran are relied upon for those teachings disclosed herein above. Kirsch further discloses a method wherein the address of the second web-entity is forwarded to the re-direction server in a cookie from the web-browser, (Col. 5, lines 8-59; Col. 12, lines 19-64; Figs. 5 & 6; Col. 13, lines 6-67; Col. 14, lines 1-8; & Claims 1-56). Examiner further notes that Kirsch's use of "cookies" renders obvious Appellant's application of the same. Therefore, Claims 8 & 16 are also found to be unpatentable over the combined teachings of Kirsch in view of Narendran.

16. Regarding Claims 19 & 20, Kirsch discloses a method wherein cookies, (embedded objects) are generated for each of an information receiver, and a redirection server, said method comprising accessing the information receiver using the web-browser; and automatically redirecting the web-browser to the redirection server, (per pending Claim 19); and automatically redirecting the web-browser to one or more additional redirection servers, (per pending Claim 20), (Col. 5, lines 8-59; Col. 12, lines 19-64; Figs. 5 & 6; Col. 13, lines 6-67; Col. 14, lines 1-8; & Claims 1-56). Examiner further notes that Kirsch's use of "cookies" renders obvious Appellant's application of the same. Therefore, Claims 19 & 20 are also found to be unpatentable over the combined teachings of Kirsch in view of Narendran.

## **8. *Response to Arguments***

### **8.1 Ground 1**

8.1. A. Kirsch '966 in fact discloses a visual and descriptive representation of how information from one of a plurality of first web entities is passed to a second web entity wherein the one of the plurality of first web entities has no information about the identity of the second web entity, (Appeal Brief: p.6)

Appellant argues that Kirsch '966 does not disclose, "a visual and descriptive representation of how information from one of a plurality of first web entities is passed to a second web entity wherein the one of the plurality of first web entities has no information about the identity of the second web entity", citing an Appellant-created visual representation of the prior art, (Appeal Brief - Exhibit 2), noting that "the first server system is arranged to provide a web page to the client with an embedded URL reference to a web page served by the second server system, (Kirsch – Col. 7, lines 10-17), (Appeal Brief, p.6). Based on that premise, Appellant argues that the prior art teaches, "the first server system provides a redirection response to the client web browser including a reference to the second server system...thus...the first server system must have knowledge...of the second server system", (Appeal Brief, p. 6-7).

Examiner respectfully disagrees with Appellant's arguments in that they are irrelevant in light of Appellant's claim language when compared to Appellant's alleged invention as depicted within Exhibit 1. In other words, carefully read, Appellant's claims do not disclose the invention Appellant so vehemently argues and portrays in Exhibit 1.

Specifically, Appellant claims do not teach:

- a web-browser at the client, (Appellant's claim language is silent as to the web-browser being at the client);
- what action at the [client] web-browser, if any, causes the first web-entity to transmit a redirection server address to the [client] web-browser, (Appellant's claim language is silent as to the triggering event which causes the transmission of redirection information);
- how the [client] web-browser received the address of the second web-entity, (Appellant's claim language is completely silent as to where the address for the second web-entity comes from);
- transmission of second web-entity address from the redirection server to the [client] web-browser, (Unlike #3 in Appellant's Exhibit 1 which states, "redirection server provides [client] web browser with redirection information for connecting to the second web-entity", Appellant's claim language teaches "the redirection server redirects the web-browser to the second web-entity", which clearly implies that the [client] web-browser never receives the redirection information for connection to the second web-entity);
- the [client] web-browser using the redirection information to connect to the second web-entity, (As noted herein above, the claim language is silent as to the [client] web-browser receiving the redirection information for connection to the second web-entity, thus, it is not the [client] web-browser which redirects information; and therefore, it is the redirection server which must redirect the information. That noted, the claim language requires, "passing of additional

information from the web-browser to the second web-entity", which clearly cannot happen, as the [client] web-browser clearly does not have the second web-entity address. Moreover, as the claims are equally silent as to the "passing of additional information" to the redirection server, it is clear that the redirection server would not be able to forward the additional information, as it would not have received the same).

Thus, despite Appellant's best efforts and artistic renderings, Examiner finds that the claim language does not match that which Appellant argues is their invention, particularly noting the clear discrepancies between the claim language, as written, and Exhibit 1.

That noted, with regard to Exhibit 1, Examiner further respectfully disagrees with Appellant's arguments as they specifically refer to the prior art, (Appellant's Exhibit 2), as said arguments are based upon one specific embodiment of the Kirsch patent, (Kirsch - Fig. 1), an embodiment NOT RELIED UPON by Examiner for purposes of the rejection. As noted within the Advisory Action dated 25 August 2005:

Examiner finds that all arguments have been previously addressed within the prior final office action dated 8 June 2005. Additionally, Examiner notes that Appellant has based all arguments enumerated within the after-final amendment upon only one particular embodiment noted within the prior art, (Fig. 1), whereas Examiner has specifically relied upon other embodiments, (as noted within the final office action), which other embodiments clearly render Appellant's claimed invention unpatentable.

Specifically, Examiner has relied upon the specific embodiment disclosed by Figs. 5-7, (and the respective description – Col. 13, lines 6-67 & Col. 14, lines 1-8 - noted herein above), within the Kirsch patent. Examiner notes that certain

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embodiments of the Kirsch patent do teach away from Appellant's claimed invention; however, that is irrelevant in light of the embodiment which reads directly upon Appellant's claimed invention. As noted herein above, Kirsch indeed teaches a visual and descriptive representation of how information from one of a plurality of first web entities is passed to a second web entity wherein the one of the plurality of first web entities has no information about the identity of the second web entity, (Kirsch - Figs. 5-7 & Col. 13, lines 6-64).

The first server system in Kirsch is arranged to provide a web page, (and web page element), to the client with an embedded URL reference to a seperate redirection server, (Kirsch - Col. 13, lines 24-28). Upon receipt of the client request, the redirection server issues a redirection message to the client computer, (Kirsch - Col. 13, lines 28-31). Based on the redirection message, the client computer system issues an HTTP request to another (2<sup>nd</sup>) web page server system, which (2<sup>nd</sup>) web page server system responds by serving the web page to the client, (Kirsch - Col. 13, lines 35-43).

Examiner additionally notes that the web page issued by the 2<sup>nd</sup> web page server was inferentially referenced by the web page element embedded within the web page provided by the first server system; however, Examiner finds here that the referencing of the web page only serves to assist the redirection server in locating the requested page within whichever 2<sup>nd</sup> server system the redirection server searches. Thus, mere reference to the web page, does not specifically reference any particular server upon which said web page may eventually be located. Moreover, there is no indication that the first server system could in any way know which other server systems would be

searched by the redirection server. Thus, clearly, Kirsch teaches a first server system with no prior knowledge of the 2<sup>nd</sup> server system. Additionally, Kirsch clearly teaches a redirection server separate and distinct (with separate and distinct functionalities), from the first server system, (Kirsch – Figs. 5-7).

Moreover, Examiner notes that Appellant's claim language is completely silent as to any restriction(s) upon the redirection server in terms of having information about the identity/location of any web entities, as noted within the Final Office Action dated 8 June 2005:

In response to Appellant's argument that Narendran fails to show certain features of Appellant's invention, it is noted that the feature upon which Appellant relies (i.e., "a redirection server with no knowledge of all destination servers") is not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Examiner notes that the claims enumerate "a first web-entity having no information about any of the second web-entities", which has nothing to do with the redirection server having no information. Further, Examiner is unaware of where this limitation concerning the redirection server is recited within the specification. Moreover, Examiner notes that mere recitation that the redirection server has no knowledge about second web entities is still addressed by Narendran, which uses a statistical approach to routing redirections.

Regarding the use of "cookies", Examiner again points to the Final Office Action dated 8 June 2005:

Additionally, Examiner notes the use of "cookies" within Kirsch, (Col. 12, lines 33-35). Finally, as noted herein above, Narendran clearly teaches the passing of information from one of a plurality of first web entities to a second web entity.

Specifically, Kirsch clearly discloses the ability to record the values of the MIME information via the use of cookies, for purposes of directing and controlling data

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throughout the system. As information within the Kirsch system is communicated, (transmitted and received), by the redirection server, (as well as all other system entities), clearly cookies are generated and utilized by all information receiving devices including, the redirection server.

Thus, in light of Examiner's clear and distinct representation of the prior art, (as embodied within Figs. 5-7), Examiner's decision should be affirmed. More importantly, Examiner would like to note that nowhere within any of Appellant's arguments are Figs. 5-7, and their respective descriptions, distinguished in light of Appellant's claimed invention. As such, Examiner finds that Appellant has not shown their invention to be patentably distinct over the prior art of record, and accordingly, Appellant should not overcome the rejection of record and should not be allowed a patent.

8.1. B. Kirsch '966 in fact discloses an "information receiver", (Appeal Brief: p.8)

Appellant argues that Kirsch '966 does not disclose an "information receiver", (Appeal Brief, p.8), and Examiner respectfully disagrees, as noted within the Advisory Action dated 25 August 2005:

In response to Appellant's argument that the references fail to show certain features of Appellant's invention, it is noted that the features upon which Appellant relies (i.e., an "information receiver" defined as a telephone set or video recorder) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Specifically, Examiner notes that the every entity within Figs. 5-7 of the Kirsch patent is an information receiver, as every web entity clearly receives data. As noted above, Appellant implies that an "information receiver" may be defined as a telephone set or video recorder; however, Examiner notes that this distinction is not made within the claim language as written, and as such, is open to broad interpretation. Thus, Examiner finds that the prior art clearly teaches an "information receiver".

## 8.2 Ground 2

8. 2 Kirsch '966 in view of Narendran '191 in fact discloses a visual and descriptive representation of how information from one of a plurality of first web entities is passed to a second web entity wherein the one of the plurality of first web entities has no information about the identity of the second web entity, (Appeal Brief: p.10)

Please see those arguments noted herein above with respect to Ground 1.

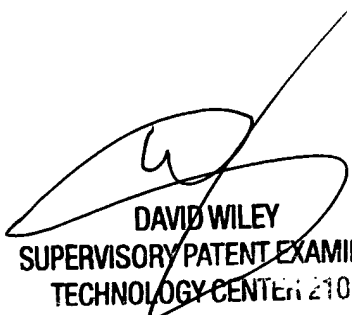
For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

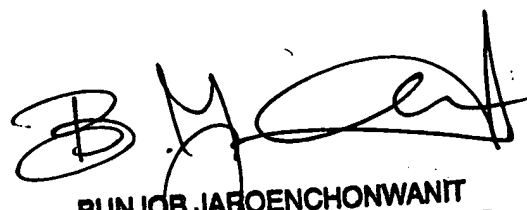
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